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10 JANET NAPOLITANO, as Secretary of the
Department of Homeland Security
11

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15 FRANK JOSEPH CARDERELLA,
16

17 Plaintiff,

18 v.

19 JANET NAPOLITANO, as Secretary
20 of the Department of Homeland
Security,
21

22 Defendant.
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No. CV09-8299 R (MANx)

DECLARATION OF BEVERLY K.
WILSON IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT,
OR, IN THE ALTERNATIVE, MOTION
FOR SUMMARY ADJUDICATION

Date: September 20, 2010

Time: 10:00 a.m.

Ctrm: Spring Street Courthouse
255 East Temple Street, Ctrm 8
Los Angeles, California 90012

[Fed. R. Civ. Proc. 56; Local Rule 56-1]

Honorable Manuel L. Real

1 I, Beverly K. Wilson, declare as follows:

2 1. I joined the Immigration and Naturalization Service ("INS") in 1966. In
3 1994, I was promoted to the Deputy Assistant District Director for Detention and
4 Deportation for the Los Angeles District Office. I retired from that position in 1997. I
5 have personal knowledge to the best of my recollection of the facts set forth below. If
6 called as a witness, I could and would testify competently thereto, under oath.

7 2. In late 1995 and throughout 1996, INS sought to increase its workforce by
8 hiring hundreds of new employees. In particular, the Los Angeles District Office had
9 received approval to increase the number of Detention Enforcement Officers ("DEO")
10 by more than 50%.

11 3. As Deputy Assistant District Director, part of my duties involved making
12 final recommendations for hiring DEOs in the Los Angeles District Office. I
13 apparently made the final recommendations for the selection of individuals to fill the
14 DEO vacancy that Plaintiff applied for, but I do not remember any specific
15 information regarding this DEO vacancy announcement. Specifically, I do not
16 remember the vacancy announcement itself, the number of positions INS wanted to fill
17 with this vacancy announcement, the number of individuals who were selected to fill
18 this specific DEO vacancy announcement, nor the identity of the individuals who were
19 selected.

20 4. While I do not specifically remember the selection process followed for
21 this DEO vacancy announcement, to the best of my recollection, INS's custom and
22 practice for selecting DEOs in which I was involved as Deputy Assistant District
23 Director during this time period was as follows:

24 5. First, the INS personnel office would review the applications and create a
25 list of qualified applicants, i.e., those individuals who met specific criteria for the
26 position. Second, the administrative assistants or supervisory detention enforcement
27 officers would contact the applicants to arrange interviews. Before any interviews
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1 were conducted, however, a list of questions relevant to the position were created for
2 the interview panels to ask each applicant. Each interview panel consisted of two to
3 three INS employees. The panels were not allowed to deviate from the list of
4 questions because we wanted to make certain that each applicant was asked the same
5 questions, regardless of who was on the panel.

6 6. The panels then would interview the applicant based on the list of set
7 questions. Each interviewing official on the panel would complete a written evaluation
8 regarding the applicant and also submit a written recommendation for each applicant:
9 “not recommend,” “recommend” or “highly recommend.” These evaluations and
10 recommendations then would be forwarded to me for final recommendations.

11 7. The applications of those individuals who had been graded “highly
12 recommended” by the interviewing officials were submitted to the District Director,
13 who at the time of the incident alleged in the Complaint, was Richard Rogers. Director
14 Rogers generally would concur and authorize selections based on the final
15 recommendations.

16 8. Since we always followed this procedure in selections, I know that we
17 followed this procedure for this particular vacancy announcement.

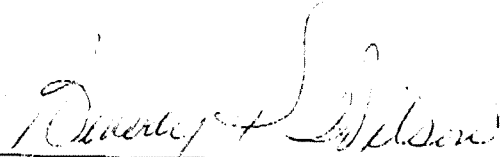
18 9. I do not remember the identities of the individuals who were on the list of
19 “highly recommended” applicants I received for the vacancy announcement at issue
20 here. I also do not remember who I recommended to Director Rogers for selection for
21 this particular announcement.

22 10. It was my custom and practice, however, to never make any decisions for
23 hiring or selection based on any prohibited characteristics, like race, national origin,
24 religion or sex. Further, it was my custom and practice to consider the
25 recommendations from the interviewing officials and to verify that those applicants
26 recommended by the interviewing officials met the minimum qualifications for the
27 position. The interviewing officials’ recommendations never included any information
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1 regarding an applicant's race, national origin, or religion, and I never attempted to
2 discover this information in any way prior to, during, or after making a decision for
3 hiring or selection. I always followed this custom and practice in making final
4 recommendations for hiring, and, as a result, I know that I followed such custom and
5 practice in hiring for the vacancy announcement that Plaintiff applied for.

6 11. At the time of the incident alleged in the Complaint, I had not yet met
7 Plaintiff, and I did not know Plaintiff's race, national origin, or religion when I made
8 final recommendations for filling the DEO positions.

9 I declare under penalty of perjury under the laws of the United States of America
10 that the foregoing is true and correct and that this declaration was executed this 18th
11 day of August 2010.

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14 BEVERLY K. WILSON
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